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OFFICE OF PETITIONS

In re Application of :
Ma Fan Yung :
Application No. 10/042,702 :
Filed: July 11, 2001 :
Title of Invention: Zero Static Power :
Fuse Cell For Integrated Circuits :

DECISION ON PETITION

This is a decision on the petition, filed June 21, 2002, to accord a filing date of July 11, 2001, to the above-identified application. The delay in treating this correspondence is regretted.

Application papers in the above-identified application, and application number 09/905,208, were filed on July 11, 2001, via express mail. Both applications were mailed in one envelope, inadvertently placed in one file jacket and assigned one application number, 09/905,208. Petitioner received return-receipt postcards for both applications but with the same serial number.

Petitioner files the instant correspondence requesting that the instant application papers be accorded a filing date of June 11, 2001, and assigned a separate serial number. In support of the request, the correspondence is accompanied by a copy of applicants' postcard receipt.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." Manual of Patent Examining Procedure ("MPEP") § 503.

Accordingly, the petition is GRANTED.

However, the petition fee will not be refunded since special handling of this application was necessitated by the condition of the application as filed, wherein the application, as filed, was not filed in a separate envelope. "Including multiple papers in a single envelope increases the likelihood that one or more of the papers will be delayed before reaching the appropriate area." MPEP § 501.

Application No. 10/042,702 will be forwarded to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of July 11, 2001.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.

Christina Carter Donnell for

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Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy